5802

G. R. S. IX-5]

Previous references.

LB (122-15) & 3+4

LB (121-15) & 1+7

Later references.

LB 52-18 (9-10)

LB 150-29 - (1+2).

~~LB 118-29 (8-10)~~

LB 126-32 & 3+6

ml 1941-43-1,2

✓ Preserve for 1917

1917 ~~Q.6~~

191 ~~Q.6~~

(LB)

1815 61-17

File No. ~~12-15~~

Serial Nos. ~~3+4~~ 1, 4

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. ~~3+4~~ 1, 4 -- 12.

Part B for June 17

SUBJECT. Letter from the President, Sanitary Board, K.G.7 Submitting for the approval of Government draft bye laws for the recovery of the claims of the Sanitary Board K.G.7

12 G.O no 6933 dt 10 6 18 To the President Sanitary Board K.G.7 Sanctions the Bye laws subject to this being restricted to the recovery of "ground rent" & Special Sanitary Cess."

S Sundaram
11.7.18

W D 88—GPB—50,000—24-7-16

G. R. S. 11] 1917. (1)

GENERAL AND REVENUE SECRETARIAT.

(LB.)

NOTES.

LB
File No. 61-17

FILE HEADING.

Rules and Bye-laws of the Kolar Gold Fields Sanitary Board.

From

The President, Sanitary Board Kg. F.

No. 74 Dated 22-8-1917 Received

Diary No. 507 | Enclos. 2 Spare Copies: - | Serial No. 1

BRIEF ABSTRACT OF LETTER.

Submits for the approval of Government draft bye laws for the recovery of the claims of the Sanitary Board, Kg. F.

NOTES AND ORDERS.

S.

I.

LTU

1. Sanction was accorded in G.O. No. 7650 dt 2-6-17 to levy pound rent under Section 35 (2) (b) of the Mysore Mines Regulation. The Bye-laws now submitted relate to the claims of the Sanitary Board

NOTES—First Sheet.

WD 1233—GPB—60,000—1-12-16—S.

50

G. R. S. III-2]

2

General and Revenue Secretariat. | File No. Lb 61 of 191 7

Serial No.	
	in general - It is also not known whether the draft bye laws were published for public opinion as required by clauses (a) + (b) of Section 48 of the Municipal Regulation 2- Draft put up for approval & orders 4/9/1917 4/9/1917 Issue dispatch 15/9
4	To. The President Sanitary Board, Kg. & No. 1756 of 18.9.1917. Observes that the bye-laws have been framed so as to apply to all the claims of the Sanitary Board while the G.O. No. 7650 of 2.6.1917 authorized only to the recovery of the ground rent and enquires whether the formalities laid down in clauses 2+3 of Section 48 of the Municipal Regulation were observed before the bye-laws were passed by the ~~Council~~ Board.
5	From

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. | File No. LB61 of 191 7

Serial No. 5

From The President, Sanitary Board, K.G.F.
No. 1148 4.10.1917.

States that for the prompt recovery of the Board's revenue bye laws as proposed are necessary & promises to submit a further report in the matter subd.

2. Section 35 (2) (b) of the Mysore Mines Regulation authorizes the levy of such rate, tax or cess as a municipal Council would be competent to levy under the law in force relating to municipalities. Recently sanction was accorded to levy ground rent under the same section. The framing of bye-laws for the recovery of items not falling under the category of a tax, rate or cess would not be legal. Should however the Board desire to levy all their claims under that section, special sanction would be necessary. The Regulation would then empower them to frame the bye-laws. The term "other miscellaneous items of the Board's dues" is in the prop. is vague and ~~will~~ has have to be explained. Draft-

LB 122-15 Sls 1 to 2
4 3 to 4
V S

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat.

D 963

4

File No. Lb 61 of 1917

Serial No.	
	Submitted for approval or other orders.
	G.H.H. 19.10.17
	Revee) 3. Issue 6.11.17
	MK 25/10
6	To The President, Sanitary Board, Kly. T. No. 2557 dy 9.11.17. Observes that bye-laws for the recovery of all the claims of the Board would not be legal unless they are in the nature of a tax, rate or cess as mention in ~~clause~~ Section 35 (2) (b) of the Yuies Regulation & request that the term "other miscellaneous items of the Boards revenue" might be explained
7	From The President, Sanitary Bd. Kly T No. 181 dy 26.10.1917. With reference to sl No. 5 requests permission to publish the draft bye-laws as originally framed by the Board for public opinion. 4. The information called for in sl No. 6 above is necessary to dispose of the question under reference. May this wait till then GHH 9.11.17 5. Invite ~~reft~~ previous letter and ~~call~~ for an early reply MK 11/11

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—S.

1100

5

G. R. S. III-2

General and Revenue Secretariat.

File No. Lb 61 of 1917

Serial No.	
	Submitted with draft- 2nd DM 12/11/1917 — Issue MK 12/1.
8	To. The President Sanitary Bd Kly. T. No-2764 dt 17.11.1917 Requests to expedite the information called for in cl 6.
9.	From The President, Sanitary Board, Kly T No. 243 dt 26.11.1917 States the items of the Boards revenue which are to be covered by the proposed bye-laws. 6. Items 5 and 6 do not seem to fall under the category of tax, rate or cess as required in Section 35(2)(6) of the Mysore Mines Regulation. Bx III may however be consulted as to whether under the existing Regulation, bye laws can be framed by the Board to cover the items specified in the P.U.D. Subd for orders 2nd DM 20.11.17

NOTE—Contn. sheet

WD 1233—GPB—60,000—1-12-16—S.

6

G. R. S. III-2]

General and Revenue Secretariat. | File No. 61 of 1917

Serial No.

Bylaws have been proposed for the recovery of certain items of revenue falling due to the said Board. K.S.T. In Govt. order dt 2nd June (917) ~~un~~ permission of ground rent ~~has been~~ under sec 35 (2) (b) of the Mines was authorised and draft rules were called for only in this sheet. The bylaws have now been submitted for the recovery of all the claims of the said Board.

In this letter dt 26th Nov 1917, the President K.S.T. (Mr. B) mentions 6 items formerly the income of the Board of which he seeks permission to bring items 2 to 5 under the bylaws of these items, ~~etc~~ No(2) being a 'cess' is leviable under section 35(2) b of the Mines Rep. Levy of ground rent under this provision has been sanctioned No(4) is only a rent. It is neither a rate nor cess nor tax and its inclusion would be ~~ultra vires~~ ultra vires. No(5) is strictly speaking and accurately it refers to a contract or lease. No such item can be brought under the said section. Remedy in such cases should however be available either in the lease deed or agreement of contract when such is entered into. As regards item (6) the

NOTE—Contn. sheet.

WD 1233—GPB—6C.C00—1-12-16—S.

1300

7

G. R. S. III-2

General and Revenue Secretariat.

File No. 4361 of 191 7

Serial No.	

Presidt. Considers that there is sufficient provision
there are to recom the fees
there would be no objection to include
item (1) also but as requested by the Presidt,
but the expediency of including it when there
is a special provision for its recovery is a
matter for consideration
or The byelaws proposed are in accordance with) Sec 68
Ch VIII of the Mul Regn & they may also be
Scrutinised by Br III
Submitted for orders

10 Vs

Rev Sec'y) 20.12.17. 17.12.17

11. Branch III for favour of opinion

22/12

(Jais 9441 1/16 III) III)

Recd. on 3.1.18 at 4 P.M. in Br. III

12. Subd The wording adopted in the draft bye-laws closely follows that in secs: 82, 83, 84, 85 86. 87. 88 and 89 respectively of the Mysore Municipal Regn 1906 Slight pencil corrections have been made where deemed necessary. The result of framing these bye-laws

NOTE—Contn. sheet.

J.M. 944-17 1300

D 1233—GPB—60,CCC—1-12-16—S.

8

(G. R. S. III-2]

General and Revenue Secretariat. | L.B File No. 61 of 1917-18

Serial No.

Items 4 & 5 to be circulated on coming under consideration. GR

Vide file for back up-

for the recovery of ground rent has been admitted exercises in G.O. No 479/L.B 122-15-2 dated 24/1/17

GR 5/1/18

GR 8/1.

G.R.V

B.IV.)

13. Submitted with the opinion of Hon'ble Mr. 11/4/1918

14. For orders

MK 15-1-18

Rev Secy)

15. The draft bye-laws may now be directed to be published in the Gazette for general information and sent up to Govt for sanction after the prescribed period

The observations in the Office note re the inapplicability of the bye-laws to any items other than No. 203 may be communicated to the Presidt. It is observed that the draft bye laws make no reference to these items & and there is therefore no objection to their publication. Draft to be submitted to 2nd member for approval & other orders. by N. H. Wilson

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat.

1300 2857

LB File No. 61 of 1917

| Serial No. |

To Submitted with a draft letter

17-1-18

17/1

2nd Member) 19.1.18

18.1.18.

17. Issue

19.1.18

| 10 | To

The President, Sanitary Board. KB &

No-4003 & 22.1.18.

Observes that items 4 and 5 referred to in this letter cannot be governed by Section 35(2)6 of the Mines Regn: and that only items 2 and 3 are applicable & [illegible] requests that the bye-laws may be published in the Gazette and resubmitted with the public criticism if any.

| 11 | From

The President Sanitary Bd. KB. &

No-521 & 819-S-1918.

Resubmits the draft bye-laws upon publishing the same in the Gazette for public criticism and requests early sanction for the same

The

NOTE—Contn. sheet.

G. R. S. 12]
General and Revenue
Secretariat.

LB File No. 261 of 1917

283

Serial No.

The legality of framing these bye-laws has been fully discussed in paras 7 to 12 of the Notes.

Draft submitted for approval or other orders.

S&HH Mun 14.5.18

The bye-laws are submitted & appear to be satisfactory, while in the Appendix hereto.

The bye-laws now proposed & for sanctioned relate to the recovery of profession tax also, for the recovery of which there is already provision under the L.R. code. In this office letter dt. 22.1.1918 (Flag B) it was pointed out to the Presidt. that the bye-laws should be made to apply to items (2) & (3) specified in the letter of the Presidt dt. 26.11.17. viz, "Special Sanitary Cess and Ground Rent". The inclusion of profession tax under the Mun. Reg. is open to some objection as this is not a tax leviable by a local body and the Sanitary Board can only levy such taxes as a Mun. Council may levy under the Mun. Reg. If profession tax is to continue as it is in the Cantonment area it necessary should be provided by the existing provisions of law viz. the L.R. Code. In this connection function can only be accorded & the bye-laws with effect to proposed cent %

Note—Contn. sheet

G. R. S. 12

General and Revenue Secretariat.

File No. 191 of 1917

Serial No.	
	Sanitary Less
	Draft submitted for approval as ordered. The Govt advocate has also been consulted & advised. WM 27.5.18
	Revised Draft may be approved
75 5.6.18	2nd Member Read 6.6.18 WM 7/6/18
	Issue notice accepting the correction made in the draft by-laws WM 7.6.18
12	To the President, Sanitary Bd Kb No 6933 dt 10.6.1918 Sanctions the bye laws subject to their being restricted to the recovery of "Ground Rent" & "Special Sanitary Less"

NOTE—Contn. sheet.

GPB—70,000—17-12-15

2507
43 61-17-1

(1)

No.74/...2.

Office of the President,
Sanitary Board, Kolar Gold Field,
Dated Champion Reefs, 22nd August 1917.

From

B.Venkoba Rao.Esq.,B.A.,
President. Sanitary Board,
Kolar Gold Field.

To

B.Ramaswamia, Esq.,B.A.,B.L.,
Secretary to the Government of His Highness
the Maharaja of Mysore. Revenue Department,
Bangalore.

Sir,

As directed in para 2 of Government Order No.7650 L.B. 122-15-4 dated the 2nd June 1917, I have the honour to submit herewith,for the approval of Government,the draft byelaws for the recovery of the claims of the Kolar Gold Field Sanitary Board. They were framed in accordance with the procedure laid down in Chapter VIII and a portion of Chapter VII of the Municipal Regulation,with some slight alterations to suit the requirements of the Board, and were approved by the Board at their meeting held on the 22nd June 1917. A copy of the Board's Resolution on the subject is also submitted herewith.

I have the honour to be.
Sir,
Your most obedient servant.

M. G. Krishnaswami Rao
For President,
Sanitary Board, K.G.F.

M.K.

Kolar Gold Field. 2

Extract from the Proceedings of the sixth ordinary meeting of the Kolar Gold Field Sanitary Board held on Friday the 22nd June 1917 at 4 P.M.. in the Sanitary Board Office at Champion Reefs. .

15. (i) Government Order No.7650 L.B. 122-15-4 dated 2nd June 1917 according sanction to impose the ground rent in the Sanitary Board area under Section 35 (2) (b) of the Mysore Mines Regulation and directing that draft rules for the recovery of rent in accordance with the procedure laid down in Chapter VIII of the Municipal Regulation should be framed and submitted for approval to Government.

(ii) Draft Bye-laws for the recovery of the claims of the Kolar Gold Field Sanitary Board framed in accordance with the procedure laid down in Chapter VIII of the Municipal Regulation, with some slight alterations to suit the requirements of the Sanitary Board.

R E S O L U T I O N.

(i) Recorded.

(ii) The draft Bye-laws may be submitted to Government for approval.

(Copy)

M G Krishnaswamy Iyer

For President,

Sanitary Board, K.G.F.

Ally

G. R. S. V1—G/321

SUBJECT.....

Bye-laws for the recovery of ground rent in the Colombo Municipal area.

Diary No. of letter replied to... 507

Section 4B
File No. 61-17
Serial No. 4

GENERAL AND REVENUE SECRETARIAT
( ).
, the 11 .

No. 1756/4B 61-17 9.10.17

Date of issue 14.9.17

Signed by W. J. Kesara Jayasinghe

To
The President
Sanitary Board, Kelaniya

Sir,

With reference to your letter No 74 of 22.8.1917 submitting for the approval of Government draft bye-laws for the recovery of the claims of the Sanitary Board, I am directed to observe that the Bye-laws have been framed to apply to the claims

over.

Of the Sanitary Board in general while they should have related to the recovery of ground rent only as required in G.O. No. 7650/LB 122-15-4 of 2.6.1917

I am also to request you to ~~inform~~ as to good estate whether the procedure laid down in clauses 2 and 3 Section 48 of the Municipal Regulation ~~has been~~ was observed before the ~~same were~~ bye-laws were passed by the Sanitary Board.

The bye-laws are herewith returned for suitable alteration and resubmission.

I have &c

For Secretary to Govt

List of enclosures.

Copied by

Examined by

Rev. dept

W D86--GPB--60,000--15-11-16

11.9.1917

D 963

Office of the President, Lr 6/17-5

No. 114 Sanitary Board, Kolar Gold Field.

Dated Champion Reefs, 4th October 1917.

From

B.Venkoba Rao, Esq., B.A.,

President, Sanitary Board,

Kolar Gold Field.

To

B. Ramaswamia, Esq.,B.A.B.L

Secretary to the Government of His Highness

the Maharaja of Mysore Revenue Department.

Bangalore.

Sir,

With reference to correspondence ending with your letter No.1756 L.B.61-17-4 dated the 18th September 1917 regarding the draft Bye-laws for the recovery of the claims of the Sanitary Board submitted for the approval of Government, I have the honour to state that these Bye-laws were so framed as to be made -- applicable for the recovery of all the claims of the Board.

2.These claims besides ground rents in Coolv colonies generally consist of rents from the Sanitary Board buildings and lands in the Sanitary Board area,and other miscellaneous items of the Board's dues,for the recovery of which no bye-laws exist at present.

3.The said Bye-laws are absolutely necessary to saie-guard the Board's revenue as without them, considerable difficulties are being experienced while recovering the Board's dues with the result that their recovery oftentimes becomes impossible for want of some such Bye-laws.

4. The draft Bye-laws now framed are intended to meet the present requirements of the Board,and will, if approved.

6

obviate further reference to Government in the matter.

As directed in para 2 of the letter under advertance. steps will be taken to publish the draft Bye-laws in the Sanitary Board Area, as required in clauses 2 & 3.Section 48 of the Mysore Municipal Regulation,and a further report in the matter will be submitted after observing all the formalities therein laid down.

I have the honour to be.

Sir,

Your most obedient servant,

Mr G Krishnaswamy Rao

For President.

Sanitary Board. K.G.F

M.K.

G. R. S. VI—G/32]

SUBJECT Bye laws for the recovery of the Sanitary Board Revenue.

Diary No. of letter replied to 963

GENERAL AND REVENUE SECRETARIAT,
( )
the 191

Date of issue 9.11.17

Signed by W.B.T. Kotakadeniya

LB Section
File No. K1
Serial No. 1

No. 2557
LB61/17-26
9.11.17

To
The President,
Kotte Sanitary Board, Kotte

Sir,

With reference to your letter SS 1143 of 4.10.17 stating that the byelaws are framed to apply to all the claims of the Sanitary Board Kotte order to ensure prompt recovery of its revenue, I am directed to observe that bye laws

over.

for the recovery of all the
claims of the Sanitary Board
as proposed would not be
legal unless the claims
are in the nature of a tax
rate or cess as mentioned in
Section 35 (2) (6) of the Mysore
Mines Regulation. The term
"Other miscellaneous items
of the Board's dues" is vague
and ~~has to be explained~~
~~in detail~~ I am to request
you therefore to be so good as
to specify in detail the various
items which should be
governed by Section 35 (2) (6).
of the Mysore Mines Regulations

List of enclosure

I have &c.

Secretary to Govt

GMK
25/10

Rev. Dept.

GHH
19.10

Copied by

Examined by

WD 86—GPB—60,000—15-11 16

No 181
Enone
D1100
Lb 6/17-47

Office of the President.
Sanitary Board, Kolar Gold Fields.
Dated Champion Reefs, the 26th October 1917.

From

B. Venkoba Rao, Esquire, B.A.,
President, Sanitary Board,
Kolar Gold Fields, Champion Reefs.

To

B. Ramaswamaiva, Esquire, B.A., B.L.,
Offg. Secretary to the Government of
His Highness the Maharaja of Mysore,
Revenue Department, Bangalore.

Sir,

In continuation of this Office letter No: 114 dated the 4th instant, regarding the draft bye-laws for the recovery of the claims of the Sanitary Board, I have the honor to submit herewith a copy of the Sanitary Board's resolution No: 9 passed at their meeting held on the 19th instant, and to request that early permission of Government may kindly be obtained for the publication of the draft bye-laws as originally framed by the Sanitary Board, with a view to further action being taken under Clauses 2 and 3 of Section 48 of the Municipal Regulation.

I need not emphasize the fact that the collection of the Board's dues including the ground rent from Cooly Colonies will ever be a difficult matter in the absence of such bye-laws.

I have the honor to be,
Sir,
Your most obedient servant,
M G Krishnaswami Rao
For President,
Sanitary Board, K. G. F.

V.V.R.

10

Extract from the proceedings of an Ordinary Meeting of the Kolar Gold Field Sanitary Board, held on Friday, the 19th October 1917, at 4 p . m., in the Sanitary Board Office at Champion Reefs.

xx xx xx xx xx xx

9. Letter No.1756-/L.B.61-17-4 dated the 18th September 1917, from the Secretary to Government, Revenue Department, enquiring whether the procedure laid down in clauses 2 and 3 section 48 of the Municipal Regulation in connection with the draft Bye-laws for the recovery of the claims of the Sanitary Board has been observed. (subject No.15 dated 22-6 1917)

R e s o l u t i o n.

(1).The action of the Vice President in representing to Government the need to sanction the Bye-laws framed for the recovery of all the claims of the Sanitary Board is approv ed.

(11).The procedure laid down in clauses 2 and 3 of section 48 of th Municipal Regulation will be followed.

x x x x

E x t r a c t.

M Krishnaswami Rao

for President,

Sanitary Board, K. G. F.

G. R. S. V1—G/32]

17/ 141 11

SUBJECT Draft bye laws for the Kly. T. Sanitary Board

Diary No. of letter replied to 1100

GENERAL AND REVENUE SECRETARIAT

, the 191

Date of issue 19.11.17

Signed by Mr B. J. Kesava Raya

Section N B

File No. 61-17

Serial No. 8

No. 2764 D.B.61-17 dt 17.11.17

To

The President

Sanitary Board. Kly. T.

Sir,

With reference to your letter No. 181 dt 26.10.1917 requesting early orders ~~for~~ re: publication of the draft bye-law as originally proposed by the Board, I am to request you to ~~expedite~~ as soon as expedite the information called for in this office letter

over.

REV. SEC. 27 NOV 1917

GPB—12,000—3-7-15

1917-18.

From

The President,
Sanitary Board,
Kolar Gold Fields.

To

The Secretary to the Government of
His Highness the Maharaja of Myso
Revenue Department, Bangalo

Dated the 26th November 1917.

Despatched

Received

General No. 243.

No.

Enclosure No. One Report.

Subject.

Submits a report regarding the items of revenue of the Sanitary Board, proposed to be covered by the Bye-laws.

Office of the President,
Sanitary Board, Kolar Gold Fields,
Oorgaum Champion Reefs, the 26th November 1917.

From

L. Venkoba Rao, Esquire, B.A.,
President, Sanitary Board,
Kolar Gold Fields

To

B. Ramaswamaiya, Esquire, B.A., B.L.,
Offg. Secretary to the Government of
His Highness the Maharaja of Mysore,
Revenue Department, Bangalore.

Sir,

Adverting to correspondence ending with your letter No: 2557/L.R.31-17-7 dated 11th November 1917, regarding the bye-laws framed by the Sanitary Board for the recovery of its revenues, I have the honor to state that the income of the Board is composed of the following items:-

(1) Municipal taxes levied on the Village [illegible] in the Sanitary Board Area.
(2) Special Sanitary Fees levied on Mohatarfa.
(3) Ground Rent on the Coolly Lolonies [illegible].
(4) Rent for the occupation of stalls in the Market.
(5) Other items of revenue falling due to the Board by virtue of any contract or lease.
(6) License fees.

, With the exception of the 1st item, Viz. Mohtarfa, the

y of which is now governed by the provisions of the Land

14

Land Revenue Code, there are no means for the recovery of the other items. Of course, license fees do not come under this category, as there is an adequate remedy by way of prosecution of the non-license-holders. It is therefore proposed to bring items 2 to 5 under the proposed bye-laws.

3. As regards item 1 also, so far as Robertsonpet and the Cooly Colonies are concerned the provisions of the Land Revenue Code which are more suitable for villages are found to be difficult to work and the proposed draft bye-laws may be extended to the collection of mohatarfa in Robertsonpet and the Cooly Colonies.

4. The draft bye-laws are herewith resubmitted.

I have the honor to be,
Sir
Your most obedient servant,

M G Krishnaswami Rao
For President.
Sanitary Board, K. G. F.

V.V.R.

L Fins 1465

15

Office of the President,
Sanitary Board, Kolar Gold Fields,
Dated Champion Reefs, the 17th January 1918.

19.

From

B. Venkoba Rao, Esquire, B.A.,
President, Sanitary Board
Kolar Gold Fields.

To

B. Ramaswamaiya, Esquire, B.A., B.L.,
Offg. Secretary to the Government of
His Highness the Maharaja of Mysore,
Revenue Department, Bangalore

Sir

I have the honor to invite your reference to my letter No:243 dated the 26th November 1917, forwarding a draft of the bye-laws proposed by the Sanitary Board, for the recovery of its revenues and to request you to be so good as to obtain the early sanction of Government.

I have the honor to be
Sir
Your most obedient servant,

For President,
Sanitary Board K.G.F

V.V.R.

G. R. S. VI—G/32]

SUBJECT.....

Bye-laws for the recovery of the Sanitary Board Revenue

Diary No. of letter replied to 1200

GENERAL AND REVENUE SECRETARIAT,

, the 191 ..

Date of issue 7.V. 18

Signed by W. B. Kusumasena

Section LB
File No. 61-17.
Serial No. 10

No. 4003
LB 61-17

To

The President, Sanitary Board.
Kalutara.

Sir,

With reference to Correspondence ending with your letter No. 243 of 26.11.1917 pointing out the various items which form the income of the Board and stating that items 2 & 5 referred to therein are proposed to be brought under the bye-laws, I am

over.

directed to observe that item No 4 ~~xxxxx~~ is only a rent and being neither a 'rate' nor "cess" nor 'tax', its inclusion would be ultra vires. Item No 5 refers to a contract or lease and, as such it cannot be governed by Section 35-2(6) of the Mines Regulation. The only remaining items for which the bye-laws are therefore applicable are Nos 2 and 3. The bye-laws are herewith returned with a few verbal alterations. ~~made in this office~~. They may now be published in the Gazette for general information and resubmitted with the ~~public~~ criticisms, if any received from the public.

List of enclosure

I have the

Copied by

Examined by

MMC 17/1 for Secretary for Mines

WD 86—GPB—60,000—15-11 16

2/11/1916

No 541
Encl: two

W 2837

From LB 61-17-11

Office of the President, Sanitary Board,
Kolar Gold Fields.
Dated Champion Reefs, the 8th May 1918.
9

B. Venkoba Rao, Esquire, B.A.,
President, Sanitary Board,
Kolar Gold Fields.

To

R. Ramaswamaiya, Esquire, B.A., B.L.,
Offg. Secretary to the Government of
His Highness the Maharaja of Mysore,
Revenue Department, Bangalore.

Sir,

With reference to your letter No:4003/L.B. 61-17-10 dated the 22nd January 1918, I have the honor to forward herewith the draft bye-laws for the recovery of ground rents and the special Sanitary Cess and to state that they were published in the Gazette for criticisms, if any, and that so far none have been received.

2. I request you to be so good as to obtain the early sanction of Government since it is intended to bring the said bye-laws into force from the commencement of the next official year.

3. A copy of the Board's resolution is herewith submitted - for information.

4. Printed copies of the Bye-laws may kindly be ordered to be supplied to this Office.

I have the honor to be,
Sir,
Your most obedient servant,
M G Krishnaswami Rao
For President,
Sanitary Board. K.G.F

V.V.R.

Proceedings of the Fifth Ordinary Meeting of the Kolar Gold Fields Sanitary Board for the year 1917-18, held on Thursday the 18th April 1918, at 4 P.M. in the Sanitary Board Office at Champion Reefs.

---------:000:---------

5. Read:- Draft Bye-laws regarding the recovery of ground rent etc., as published in the Mysore Gazette.

Resolution. No criticisms having been received up to now, the bye-laws may be submitted to Government for sanction.

Sd. E. Venkoba Rao,
President,
Sanitary Board, K.G.F.

"C O P Y"

For President,
Sanitary Board, K.G.F.

V.V.R.

Draft bye-laws framed under section 35.2.(b) of the Mysore Mines Regulation for the recovery ~~of Mohatarfa tax~~ of Ground rent in the Sanitary Board area and - Special Sanitary Cess in Robertsonpet.

---:oOo:---

Presentation of bill for taxes.

(1) When any amount (a) which by any lawful authority is declared to be recoverable in the manner provided by these bye-laws, or (b) which is - claimable as an amount or instalment on account of any other tax which now is imposed or hereafter may be imposed in the Kolar Gold Field Sanitary Board area shall have become due, the Sanitary Board, shall, with the least practicable delay cause to be presented to the person liable for the payment thereof, a bill for the sum claimed as due.

(2) Contents of Bill.

Every such bill shall specify:-

(a) the period for which, and

(b) the property, occupation or thing in respect of which, the sum is claimed, and shall also give notice of:-

(1) The liability incurred in default of payment and of

(2) The time within which an appeal may be preferred as hereinafter provided against such claim.

If Bill not paid within the time fixed, notice of demand to issue.

(3) If the sum for which any bill has been presented as aforesaid is not paid into the Sanitary Board office or to a person authorised by any rule in that behalf to receive such payments within 15. days and in the case of ground rents of cooly colonies within five days from the presentation thereof,

the Sanitary Board may cause to be served upon the person liable for the payment of the said sum a - notice of demand in the form of Schedule I. or to the like effect.

In what cases warrant may issue.

2. (1) If the person liable for the payment of the said sum does not . within the time specified in the notice of demand either:-

(a) pay the sum demanded in the notice or.

(b) show cause to the satisfaction of the Sanitary Board, or of such officer as the Sanitary Board by rule may appoint in this behalf, ~~of~~ why he should not pay the same, or

(c) prefer an appeal in accordance with the provision of Bye-law 5 against the demand.

Sumh sum with all costs of the recovery may be levied under a warrant caused to be issued by the Sanitary Board in the form of Schedule II or to the like effect, by distress and sale of the -- moveable property of the defaulter.

Warrant by whom to be Signed.

(2) Every warrant issued under this rule shall be signed by the President of the Sanitary Board.

Power of entry under special order.

(3) It shall be lawful for any officer of the Sanitary Board to whom a warrant issued under clause (2) is addressed, if the warrant contains a special order authorising him in this behalf, but not otherwise, to break open, at any time between sunrise and sunset, any outer or inner door or - window of a building, in order to make the distress directed in the warrant, if he has reasonable - grounds for believing that such building contains property which is liable to seizure under the - warrant, andif after notifying his authority and purpose and duly demanding admittance, he cannot otherwise obtain admittance. Provided that such

Officer shall not enter or break open the door of any apartment appropriated for women, until he has given three hours' notice of his intention, and has given such women an opportunity to remove.

Warrant how to be executed.

(4) It shall also be lawful for such officer to distrain, wherever it may be found, any moveable property of the person therein - named as defaulter, subject to the following conditions, exceptions and exemptions, namely:-

(a) the ~~xxxxxxxxx~~ following property shall not be distrained:-

(i) the necessary wearing apparel and bedding of the defaulter, his wife and children.

(ii) the tools of artizans,

(iii) when the defaulter is an agriculturist, his implements of husbendry, seed grain and such cattle as may be necessary to enable the defaulter to earn his live-lihood.

(b) The distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible proportionate in value to the amount recoverable under the warrant, and if any articles have been distrained which, in the opinion of the President of the Sanitary Board, should not have been ~~dx~~ so distrained, they shall forthwith be returned:-

(c) The officer shall on seizing the property forthwith make an inventory thereof, and shall before removing the same give to the person in possession thereof at the time of seizure a written notice in the form of Schedule III that the said property will be sold as shall be specified in such notice.

3. (1) When the property seized is subject

to sppedy and natural decay, or when the expense of keeping it in custody together with the amount to be levied is likely to exceed its value, the President of the Sanitary Board shall at once give notice to the person in whose possession the property was when seized, to the effect that it will be sold at once, and shall sell it accordingly unless the amount named in the warrant be forthwith paid.

Sale of goods destrained.

Application of proceeds of sale.

(2) If not sold at once under clause (i), the property seized or a sufficient portion thereof may, unless the warrant is suspended by the person who signed it, or the sum due by the defaulter together with all costs incidental to the notice, warrant and distress and detention of the property is paid, be, on the expiry of the time specified in the notice served by the Officer executing the warrant, sold by public auction under the orders of the President of the Sanitary Board, and the proceeds, or such part thereof as shall be requisite, shall be applied in discharge of the sum due and of all such incidental costs as aforesaid.

Surplus if any, how dealt with.

(3) The surplus, if any, shall be forthwith credited to the Sanitary Board Fund, notice of such credit being given at the same time to the person from whose possession the property was taken but if the same be claimed by written application to the Sanitary Board within one year from the date of the notice, a refund thereof shall be made to s such person. Any sum not claimed within one year from the date of such notice shall be the property of the Sanitary Board.

Fees and cost chargeable.

4. Fees for:-

(a) every notice issued under clause 3

bye-law 1.

(b) Every distress made, and

(c) the costs of maintaining any livestock seized under this bye-law.

shall be chargeable at the rates respectively specified in such behalf in the rules of the Sanitary Board and shall be included in the costs of recovery to be levied under bye-law 3

Appeals to Magistrates.

5. Appeals against any notice of demand issued under clause (3) of Bye-law 1, may be made to any Magistrate by whom, under the direction of the Government or of the District Magistrate, such class of cases is to be tried.

But no such appeals shall be heard and determined unless:-

(a) the appeal is brought within 5 days in the case of ground rents of cooly colonies and 15 days in other cases, next after service of the notice or demand, complained of, and,

(b) an application in writing, stating the gounds on which claim of the Sanitary Board is disputed, has been made to the Sanitary Board, within 5 days in the case of ground rents of cooly colonies and 15 days in other cases, next after the presentation of such bill; and

(c) the amount claimed from the appellant has been deposited by him in the Sanitary Board Office.

Liability of land, Building, etc., for rates.

6. All sums due on account of any tax imposed in the form of a rate on lands or buildings, or on both, shall, subject to prior payment of land revenue if any, due to Government thereupon, be a first - charge upon the building or land, in respect of - which such tax is leviable, and upon the moveable property, if any, found within or upon such building or land, and belonging to the person liable for such tax or taxes.

Provided that no arrears of any such tax

shall be recovered from any occupier who is not the owner, if it has been due for more than one year or for a period during which such occupier was not in occupation.

Tax from whom primarily leviable.

7. Every tax imposted in the form of a rate on buildings or land or on both shall be levidable primarily from the actual occupier of the property upon which the said taxes are assessed. If he is the owner of the buildings or lands, or holds them on a building or other lease from Government or from the Sanitary Board, or on a building lease any person. Otherwise the said tax shall be primarily - levidble as follows:- - Namely,--

(a) if thepproperty is let. from the lessor;

(b) if the property is sublet, from the superior lessor;

(c) if the property unlet, from the person in whom the right to let the same vests;

Recovery from Occupier.

Provided that on failure to recover any sum due on account of such tax from the person primarily liable. such portion of the sum may be recovered from the occupier of any part of the building or lands in respect of which it is due, as bears to the whole amount due the same ratio which the rent payable by such occupier bears to the aggregate amount of rent so payable in respect of the whole of the said buildings or lands

Remedy of occupier in such case.

Provided further, that for any sum paid by, or recovered from, any occupier who is not primarily liable under this section. he shall be entitled to credit in account with the person primarily liable for the payment of that sum.

Receipts to be given for all payments.

8. For all sums paid on account of any tax under this bye-law a receipt stating that amount and the tax on account of which it has been paid,

shall be tendered by the person receiving the same.

President,
Sanitary Board. K. G. F.

V.V.R.
6.

SCHEDULE 1.
(See para 3 of Bye-law 1).

Form of notice of demand.

27

To

A. B. residing at .....

Take notice that the Sanitary Board, Kolar Gold Field, demands from..... the sum of .....
due from ..... on account of .....
(here describe the property or other subject in respect of which the tax is leviable) leviable under Bye-law 1 for the period of .....commencing on the day of .....191.... and ending on the ..... day of .....19..... and that if, ~~within~~ within fifteen (five) days from the service of this notice, the said sum is not paid into the Sanitary Board office at — Champion Reefs or to ~~him~~ a person authorised by any rule in that behalf to receive such payments, or sufficient cause for non-payment is not shown to the satisfaction of the Sanitary Board a warrant of distress will be issued for therecovery of the same with costs.

Dated this ..... day of .....19.....

By Order of the Sanitary Board, Kolar Gold Field.

SCHEDULE 11.

(See para 1 (c) of Bye-law /*11.)

orm of Warrant.

To

(Here insert the name of the officer charged with the execution of the warrant.

Whereas A.B. of ..... has not paid, and has not shown satisfactory cause for the non-payment of, the sum of ..... due for the tax (here describe the tax.....) .....mentio in the margin for the period commencing on the day of 19.... end ing with the day of 19.... and leviable under Bye-law 11.:

And whereas fifteen days have elapsed since the service on him of Notice of demand for the same;

This is to command you to distrain subject to the provisio of Bye-law 11, the goods and chattels of A.B. to the amount of .... being the amount due from him, as follows.-

On account of the said tax. ..... Rs. As. P.

For service of notice. .....

and forthwith to certify to me together with this warrant all parti culars of the goods seized by you thereunder.

Dated this..... day of ..... 19.....

Signed .....

President of the Sanitary Bo
K. G. F.

SCHEDULE 111.

29

(See para 4 (c) of Bye-law 11).

Form of Inventory and Notice.

To

A. B. residing at .....

Take notice that I have this day seized the goods and chattels specified in the inventory beneath this. for the value of ..... due for the tax (here describe the tax)..... ..... mentioned in the margin for the period commencing with the ..... day of 19..... and ending with the ..... day of.....19..... together with Rs. ..... due as for x service of notice of demand, and that unless within five days from the day of the date of this notice you pay into the Sanitary Board office at Champion reefs or to a person authorised by any rule in that behalf to receive such payments the said amount together with the costs of recovery the said goods and chattels will be sold.

Dated this ..... day of.....19.....

(Signature of officer executing the Warrant)

Inventory

(Here state particulars of goods and chattels seized).

30

For every notice of demand issued under para 3 of Bye-law 1 fees shall be levied at the following rates:-

A fee of one anna if the amount due is less than Rs. 5/-.

A fee of two annas if the amount due is not less than Rs. 5/- but less than Rs. 10/-.

Afee of four annas if the amount due is not less than Rs.10/- but less than Rs.50/-

A fee of six annas if the amount due is not less than Rs.50/- but less than Rs. 100/-.

A fee of eight annas if the amount due is Rs. 100/- and over.

Warrant Fees:- For every distraint made under para 4 of Bye-law fees shall be levied at the following rates:-

A fee of four annas if the amount distrained is less than Rs 5.

A fee of six annas if the amount distrained is not less than Rs.5 but less than Rs.10/-.

A fee of eight annas if the amount distrained is not less than Rs.10/- but less than Rs. 25/-.

A fee of one rupee if the amount distrained is not less than Rs.25/- but less than Rs. 50/-.

A fee of two rupees if the amount distrained is not less than Rs. 50/- but less than Rs. 75/-.

A fee of three rupees is the amount distrained is not less than Rs. 75/- but less than Rs. 100.

A fee of five rupees if the amount distrained is Rs.100 and over.

Where peons are kept in charge of property distrained an additional fee of four annas per peon for each day shall be levied.

3

M A I N T E N A N C E R A T E S.

Rates as per accompanying statement shall be charges for maintaining live-stock distrained under para 4 of Bye-law 11, namely.—

Serial No:	Description of live-stock.	Cost of the supply of fodder for each head of live-stock per day or fraction of a day.	Cost of watering each head of live-stock per day or fraction of a day.	Total.
		Rs. As P.		Rs. as. P
1.	Elephant.	3 0 0		3 0 0
2.	C a m e l.	1 0 0		1 0 0
3.	B u f f a l o e.	0 4 0		0 4 0
4.	----Do.---- Calf	0 2 0		0 2 0
5.	Bullock or Cow.	0 4 0		0 4 0
6.	Heifer or Calf.	0 1 0		0 1 0
7.	Sheep or goat.	0 1 0		0 1 0
8.	K i d.	0 1 0		0 1 0
9.	Horse.	0 4 0		0 4 0
10.	F o a l.	0 12 0		0 2 0
11.	Donkey (either young or grown.	0 1 0		0 1 0
12.	P i g.	0 1 0		0 1 0
13.	Birds of all kinds.	0 1 0		0 1 0

Provided that no rate shall be charged where the owner of any such live-stock pays the full amount of the Board's dues and receives back such livestock within three hours from the time of their seizure.

G.R.S. VI-71]

SUBJECT Bye-laws, Kgr. T. Sanitary Board

Diary No. of letter replied to 2837 :-

Section LB 1.
File No. 61-7
Serial No. 1

General and Revenue Secretariat

( )

the *191*

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue 11.6.15

Signed by Mr B.T. Kesava Iyer

Read.— Correspondence ending with letter No. 541 S&S/9.5.1918 from the President, Sanitary Board, KGF. submitting revised draft bye-laws framed under Section 35(2)(6) of the Mysore Mines Regulation for the recovery of mohatarfa

Order Thereon:— No.
land and ground rent in the Sanitary Board area and special sanitary cess in Robertsonpet and requesting

over.

May this be

i Printed

ii treated as a standing order?

iii published in the Gazette English part?

iv translated?

v placed at the disposal of the press?

vi published in the Gazette Kannada part?

Sanction to ~~the~~ same as
resolved by the Sanitary
Board.

Order No.

Dy Bangalore 1918.

~~The inclusion of mohatarfa~~
~~tax under the bye-laws~~
~~is irregular~~, The bye-laws
are sanctioned subject to
the being restricted to the
recovery of "ground rent-"
and "special Sanitary Cess."

2. The President, Sanitary
Board is requested to supply
to this office 12 printed copies
of the bye-laws.

List of enclosures.

Offg. Secretary to Govt
Rev. Dept.

To
The President, Sanitary Board, Kolar.
with a copy of the sanctioned
bye-laws.

Copied by
Examined by